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JUN 23 2005

OFFICE OF PETITIONS

In re Application of :
Ming King Wong :
Application No. 09/840,426 : DECISION DISMISSING PETITION
Filed: April 20, 2001 :
Attorney Docket No. 02369 :

This is a decision on the "REQUEST FOR CORRECTED APPLICATION PUBLICATION", filed May 8, 2003, which after being dismissed in a decision mailed on September 7, 2004, has been forwarded to the Office of Petitions to consider whether there is sufficient evidence to replace the drawings in the file with the drawings supplied May 8, 2003.

The request is **DISMISSED**.

Application papers in the above-identified application were filed on April 20, 2001. The application published on October 24, 2002. On May 8, 2003, applicant filed the instant request for corrected publication, stating that the application published with drawings different than those allegedly filed. The request was dismissed due to timeliness, and was forwarded to the Office of Petitions to consider whether there is sufficient evidence to replace the drawings in the file with the drawings supplied May 8, 2003.

Applicant has submitted a postcard receipt, itemizing "DRAWING: NO. SHEET(S): 4" as enclosed, and bearing a USPTO date stamp of April 20, 2001.

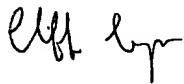
The Office file is the official record of the papers originally filed in this application. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. It is true that a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.¹ However, in this instance applicant's postcard receipt is not sufficient to prove that the four sheets of drawings supplied on May 8, 2003 were the four sheets of drawings received by the Office on April 20, 2001.

The four sheets of drawings filed on May 8, 2003 will remain in the application file, but will not be used for examination.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Group Art Unit 3749 for docketing and examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
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¹ MPEP 503.